

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

NANCY FERNLUND, et al.,
Plaintiffs,

No. 1:13-cv-1495-CL

v.

TRANSCANADA USA SERVICES INC.,
et al.,

ORDER

Defendants.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation (R&R), and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

I agree with the R&R that defendants' motion to dismiss

should be denied. The memorandum submitted by defendant Norwest Pipeline LLC (#57) is not an objection to the R&R and does not affect my decision to adopt the R&R.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#54) is adopted. Defendants' motion to dismiss (#9) is denied.

IT IS SO ORDERED.

DATED this 5 day of February, 2014.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE